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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/616,274
Filing Date	07/09/2003
First Named Inventor	George Goicoechea
Art Unit	3738
Examiner Name	Javier G Blanco
Attorney Docket No.	BSI-210US5

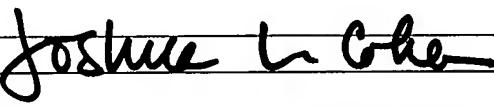
**ENCLOSURES (Check all that apply)**

- Fee Transmittal Form  
 Fee Attached
- Amendment/Reply  
 After Final  
 Affidavits/Declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/  
Incomplete Application  
 Response to Missing Parts  
under 37 CFR 1.52 or 1.53

- Drawing(s)  
 Licensing-related Papers  
 Petition  
 Petition to Convert to a  
Provisional Application  
 Power of Attorney, Revocation,  
Change of Correspondence  
Address  
 Terminal Disclaimer  
 Request for Refund  
 CD, Number of CD(s) \_\_\_\_\_  
 Landscape Table on CD

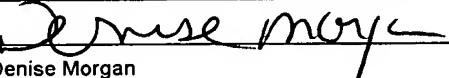
- After Allowance Communication  
to TC  
 Appeal Communication to Board  
of Appeals and Interferences  
 Appeal Communication to TC  
(Appeal Notice, Brief, Reply  
Brief)  
 Proprietary Information  
 Status Letter  
 Other Enclosure(s) (please  
identify below): 1 pg.  
PTO/SB/08b; Federal Circuit  
Decision; PTO-2038; post card  
receipt

**Remarks:****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm Name	RatnerPrestia		
Signature			
Printed Name	Joshua L. Cohen		
Date	8/23/2007	Registration No.	25,276

**CERTIFICATE OF TRANSMISSION / MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or Printed Name	Denise Morgan	Date	8/23/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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*Effective on 12/08/04.*  
Subject to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2007

Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	(\$)	180	Attorney Docket No.	BSI-210US5
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**Complete if Known**

Application Number	10/616,274
Filing Date	07/09/2003
First Named Inventor	George Goicoechea
Examiner Name	Jaiver G. Blanco
Art Unit	3738

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments  
 under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<b>Application Type</b>	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		<b>Fees Paid (\$)</b>
	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

**Small Entity**

<b>Fee (\$)</b>	<b>Fee (\$)</b>
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50	25
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Each independent claim over 3 (including Reissues)

200	100
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Multiple dependent claims

360	180
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**Total Claims**

<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>
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- 20 or HP =	x _____	= _____	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
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HP = highest number of total claims paid for, if greater than 20

**Indep. Claims**

<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
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- 3 or HP =	x _____	= _____
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HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
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- 100 =	/ 50 =	(round up to a whole number)	x _____	= _____
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**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

<b>Fees Paid (\$)</b>
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Other (e.g., late filing surcharge): **IDS fee**

180.00
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**SUBMITTED BY**

Signature	<i>Joshua L. Cohen</i>	Registration No. Attorney/Agent	38,040	Telephone	610-407-0700
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Name (Print/Type)	Joshua L. Cohen	Date	8/23/2007
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This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/616,274  
Applicant: George Goicoechea et al.  
Filed: July 9, 2003  
Title: Bifurcated Endoluminal Prosthesis  
TC/A.U.: 3738  
Examiner: Javier G. Blanco

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the document listed on the PTO/SB/08b submitted herewith. A copy of the document listed on the PTO/SB/08b form, is enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

With respect to Applicants' claim of priority, Applicants would like to direct the Examiner's attention to the following court decision:

- Decision of the United States Court of Appeals for the Federal Circuit in *Boston Scientific Scimed, Inc. v. Medtronic Vascular, Inc.*, No. 2006-1434, dated August 8, 2007 (affirming the Memorandum Opinion and Final Judgment of the United States District Court for the District of Columbia in *Scimed Life Systems, Inc. v. Medtronic Vascular, Inc. and Eric C. Martin*, Civil Case No. 01-2015 (RJL) dated March 31, 2006).

A copy of the decision is attached. The decision was an appeal from a decision (previously submitted) of the USPTO Board of Patent Appeals and Interferences ("Board") dated July 27,

2001 in Interference No. 104,192, which involved an application of Andrew H. Cragg and Michael D. Dake that is familialy related to the present application.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

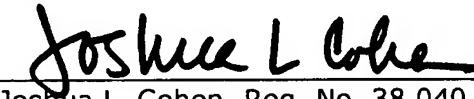
STATEMENT

The undersigned hereby states no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months before the filing of the Information Disclosure Statement.

A Petition for Further Suspension of Action for Six Months for Good and Sufficient Cause Pursuant to 37 C.F.R. § 1.103(a) was filed on May 8, 2007. Accordingly, it is respectfully submitted that this application should remain in suspense.

The required fee set forth in 37 C.F.R. § 1.17(p) is provided herewith.

Respectfully submitted,



\_\_\_\_\_  
Joshua L. Cohen, Reg. No. 38,040  
Stanley Weinberg, Reg. No. 25,276  
Attorneys for Applicants

JLC/SW/dhm

Enclosures: PTO/SB/08b  
Federal Circuit Decision  
Fee Transmittal (2)  
PTO-2038  
Transmittal Form

Dated: August 23, 2007

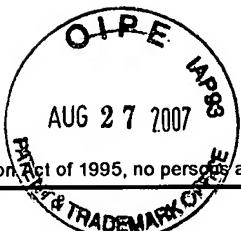
<input checked="" type="checkbox"/>	P.O. Box 980 Valley Forge, PA 19482 (610) 407-0700
<input type="checkbox"/>	P.O. Box 1596 Wilmington, DE 19899 (302) 778-2500

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 23, 2007

Denise Moy -



PTO/SB/08b (08-03)

Approved for use through 6/30/2006, OMB 0651-0031

Approved for use through 06/30/2009. GPO : 2007 - 1000

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

<i><b>Complete If Known</b></i>	
Application Number	10/616,274
Filing Date	07/09/2003
First Named Inventor	George Goicoecha
Art Unit	3738
Examiner Name	Javier G. Blanco
Attorney Docket No.	BSI-210US5

## **NON-PATENT LITERATURE DOCUMENTS**

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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